

**REMARKS**

An excess claim fee payment letter is submitted herewith for four (4) additional total claims.

Claims 1-33 are all the claims presently pending in the application. Claim 26 is amended to more clearly define the invention and claims 30-33 are added. Claims 1, 8, 11, 16, and 19 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Applicant gratefully acknowledges that claims 11-25 and 27-29 are allowed. However, Applicant respectfully submits that all of the claims are allowable.

Claims 1-10 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Barker reference in view of the Yamane reference.

This rejection is respectfully traversed in the following discussion.

**I. THE INFORMATION DISCLOSURE STATEMENT**

The Examiner failed to indicate consideration of the foreign language references which were submitted in an Information Disclosure Statement that was filed on June 9, 2003.

The Examiner also failed to indicate why the Examiner refuses to consider these references.

In the absence of the Examiner's explanation for his actions, Applicant assumes that

the Examiner is under the mistaken understanding that the Examiner does not have to indicate consideration of foreign language references.

Applicant respectfully directs the Examiner's attention to 37 C.F.R. § 1.98(3) which merely requires a concise relevancy of the relevance of each publication that is not in the English language. M.P.E.P. § 609A(3) states:

“Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevancy can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.”

The Information Disclosure Statement that was filed on June 9, 2003 clearly pointed out that the information listed was cited in an action by a foreign patent office in a counterpart foreign application and included an English-language version of the action which indicates the degree of relevance found by the foreign office.

Therefore, Applicant respectfully requests that the Examiner indicate consideration of all references that were submitted in the Information Disclosure Statement that was filed on June 9, 2003.

## **II. THE CLAIMED INVENTION**

A first exemplary embodiment of the claimed invention, as defined by independent claim 1, is directed to a data distribution satellite communication system that includes a communication satellite, and a plurality of satellite communication terminals enabled to

receive a signal from the communication satellite. The data distribution satellite communication system provides, from the communication satellite to the plurality of satellite communication terminals, distribution business for a data signal in a broadcasting fashion. The system further includes a satellite earth station for carrying out a principal communication via the communication satellite, a data distribution center, connected to the satellite earth station, for distributing the data signal to the communication satellite, and return communicating means for enabling the data distributing center to receive a data request signal from the satellite communication terminals. The data request signal includes a code indicative of an emergency level of data distribution that indicates a time interval.

A second exemplary embodiment of the claimed invention, as defined by independent claim 8, is directed to a satellite communication educational institution that includes a communication satellite, a plurality of satellite communication terminals each enabling to receive a signal from the communication satellite, a satellite earth station for carrying out a principal communication via the communication satellite, and a data distribution center connected to the satellite earth station by a communication channel. The data distribution center includes an electronic library for storing collected information in an electronic form. The electronic library presenting stored contents to users of the satellite communication terminals to submit retrieval of the users. The electronic library supplying information requested in accordance with a data request signal from the users. The data request signal includes a code indicative of an emergency level of data distribution that indicates a time interval.

Some conventional data distribution systems distribute data instantly in response to a request from a user. However, these systems have problems that are related to right

restrictions placed upon available quantities of data, the high cost of transmitting a large amount of data and the difficulty of providing such a high amount of data interactively.

In stark contrast to these conventional data distribution systems, the present invention provides a data request signal from the satellite communication terminal (e.g., from the user) that includes a code indicative of an emergency level of data distribution that indicates a time interval. In this manner, the present invention provides the ability to transmit the data to the user at a time that corresponds to the emergency level in the request which is less costly and makes better use of available bandwidth. The present invention further takes advantage of the fact that a plurality of users may be grouped together to simultaneously receive the same data.

## II. THE PRIOR ART REJECTION

Before addressing the substance of the Examiner's rejection, Applicant notes that Examiner Trinh continues to apply the same references that have been applied in the immediately previous two Office Action in a rejection which was very clearly traversed by Applicant's previous two responses.

In particular, Examiner Trinh has previously rejected claims 1-10 and 26 under 35 U.S.C. § 103(a) as being unpatentable over the Barker reference in view of the Kazuyoshi reference (i.e. JP 7-2244689).

Applicant traversed that rejection in the Amendment that was filed on July 30, 2004, and in the Amendment that was filed on March 11, 2004

Examiner Trinh now rejects claims 1-10 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Barker reference in view of the Yamane et al. reference (i.e. 5,701,580).

However, Applicant notes that the Kazuyoshi reference is the priority document for the Yamane et al. reference. In other words, Examiner Trinh did not alter the basis for the rejection because Examiner Trinh's rejection continues to be based upon exactly the same applied references.

Therefore, the same traversal of Examiner Trinh's repeated rejection continues to apply and the present application is in condition for immediate appeal.

Further, Applicant respectfully submits that the Examiner has failed to comply with the clear requirements that are set forth in the Manual of Patent Examining Procedure. In particular, the Examiner has failed to comply with the requirements of the M.P.E.P. as set forth in § 707.07(f) by failing to answer all material traversed.

*"Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." (M.P.E.P. § 707.07(f), emphasis added).*

Specifically, in the Amendment that was filed on July 30, 2004, the Applicant pointed out that none of the applied references teaches or suggests the features of the present invention including a data request signal that includes a code indicative of an emergency level of data distribution that indicates a time interval.

In particular, in the July 30, 2004 Amendment pointed out that in the "Response to Arguments" section of the June 3, 2004 Office Action, the Examiner continues to allege that the key code that is disclosed by the Kazuyoshi et al. reference (now the Yamane et al. reference) teaches a code that indicates an emergency level of data "does disclose that the key code is related with when the data is broadcast to the pager."

However, as Applicant pointed out in the March 11, 2004 Amendment, the key code

that is disclosed by the Kazuyoshi et al. reference (now the Yamane et al. reference) only determines how much data is stored or whether information will be sent in immediately in response to a “PROMPT” request or at a regularly designated time in response to a “REGULAR” request and does not have anything at all to do with when data is broadcast to the pager.

The Examiner appears to confuse the key code with the “receiving form” that a user of the system disclosed by the Kazuyoshi et al. reference (now the Yamane et al. reference) uses to indicate whether the user desires to receive further detailed information in a “news flash” (i.e. “PROMPT”) mode which provides the detailed information instantaneously (immediately) or whether the user desires to receive further detailed information in accordance with a “usual” mode (“REGULAR”) which provides the detailed information when it is convenient or when it has normally been scheduled to be transmitted by the service center (see [0034] - [0040] in the Kazuyoshi et al. reference or col. 6, line 50 through col. 7, line 67 in the Yamane et al. reference).

The Kazuyoshi et al. reference (now the Yamane et al. reference) explains with reference to Figures 5(a) and 5(b) that the user may choose the form of “communication instancy” by inputting “news flash” 25 (or “PROMPT” in the Yamane et al. reference) and “EXE” 27 ([0036] and [0053] - [0055] and col. 6, lines 56-65 in the Yamane et al. reference) or may choose the “usual” form of transmission by inputting “usual” 26 (or “REGULAR” in the Yamane et al. reference) and “EXE” 27

In response to a “news flash” selection (or “PROMPT” in the Yamane et al. reference), the corresponding selected detailed data is “individually sent at once” by the service center to the personal digital assistant that requested the data ([0037] and [0053] or

col. 6, line 66 - col. 7, line 19 in the Yamane et al. reference) while in response to a “usual” selection (or “REGULAR” in the Yamane et al. reference) the corresponding selected detailed data is “distributed by the multiple address transmission” ([0040] and [0058] - [0060] or col. 7, lines 19-60 in the Yamane et al. reference).

The “usual transmission” may “perform transmission . . . every several hours” or at a “constant time” of day ([0063]).

The keycode is not to be confused with the receiving mode that the user may determine based upon the selection of the “news flash” 25 or the “usual” 26 input keys which determines whether the service center will instantaneously transmit the corresponding data (news flash mode) or whether the service center will merely include the corresponding data along with the normally (usual) scheduled broadcast of data. Thus, the receiving mode does not indicate a time interval. Rather, the receiving mode merely indicates a mode of transmission and does not include any information that indicates anything at all about a time interval.

Clearly the Examiner has failed to address this traversal. Indeed, the Examiner does not mention anything at all regarding the distinction between a code indicative of an emergency level of data distribution that indicates a time interval as recited by the claims and a keycode that merely determines how much of a message will be stored or the mode with which information will be received, such as a “PROMPT” mode or a “REGULAR” mode.

Further, as repeatedly explained by the Applicant in the Amendment that was filed on March 11, 2004 and again in the Amendment that was filed on July 30, 2004, Applicant continues to traverse the rejection on the basis that these references would not have been combined as alleged by the Examiner, and Applicant incorporates the traversals from the

March 11, 2004 Amendment and the July 30, 2004, Amendment herein in their entirety.

Applicant also notes that Examiner Trinh continues to ignore Applicant's traversal on the above basis. Therefore, here again, Examiner Trinh has failed to comply with the clear requirements that are set forth in the Manual of Patent Examining Procedure. In particular, the Examiner has failed to comply with the requirements of the M.P.E.P. as set forth in § 707.07(f) by failing to answer all material traversed.

Applicant continues to submit that one of ordinary skill in the art would not have been motivated to combine the applied references because these references are directed to completely different matters and problems.

Specifically, the Barker et al. reference is directed to providing a data distribution system and method that uses Internet Protocol (IP) services to distribute data to personal computers and to a data distribution system that packages data along with instructions for broadcasting and processing by a remote computer that receives the package [0004].

In stark contrast, the Yamane et al. reference is specifically directed to the problems of incorporating unnecessary information into the memory of a pager, and avoiding an increase in communication traffic that results from multiple users submitting data requests. (Col. 1, lines 23-33).

One of ordinary skill in the art who was concerned with providing a data distribution system that uses IP services to distribute data or that packages data along with broadcasting and processing instructions as the Barker et al. reference is concerned with addressing would not have referred to the Yamane et al. reference because the Yamane et al. reference is directed to the completely different and unrelated problems of incorporating unnecessary information into the memory of a pager and avoiding increased communication traffic that



results from multiple users submitting data requests. Therefore, one of ordinary skill in the art would not have been motivated to combine the applied references.

The Examiner is respectfully requested to withdraw the rejection of claims 1-10 and 26.

### III. FORMAL MATTERS AND CONCLUSION

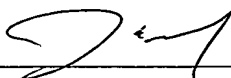
In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-33, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 5/24/05

  
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